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SCHEDULE 7 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ7**.

BLACK FOREST ROAD NORTH PRECINCT STRUCTURE PLAN

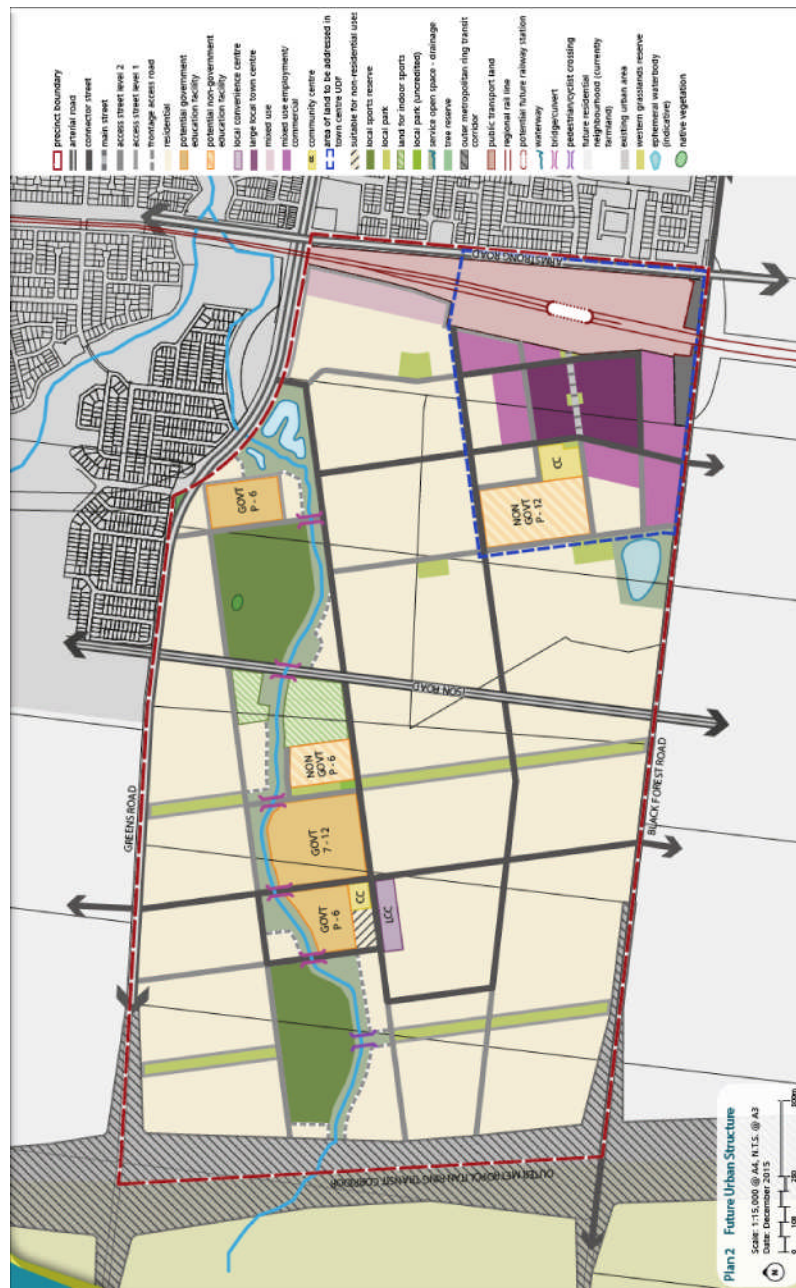
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The Plan

Map 1 shows the future urban structure proposed in the *Black Forest Road North Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Black Forest Road North Precinct Structure Plan*.

Map 1 to Schedule 7 to Clause 37.07



2.0 Use and development

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2.1 The land

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The use and development provisions specified in this schedule apply to the land as shown on Map 1 and shown as UGZ7 on the planning scheme maps.

Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.

2.2 Applied zone provisions

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The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

Table 1: Applied zone provisions

Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (Refer map 1)	Applied zone provisions
Large local town centre Mixed use employment/ commercial Local convenience centre	Clause 34.01 – Commercial 1 Zone
Mixed use	Clause 32.04 – Mixed Use Zone
Outer metropolitan ring transit corridor Arterial road	Clause 36.04 – Road Zone – Category 1
Connector street	Clause 36.04 – Road Zone – Category 2
All land within the gas pipeline measurement length, except the outer metropolitan ring transit corridor, as shown on Plan 8 – Utilities of the precinct structure plan	Clause 32.08 – General Residential Zone 1
All other land	Clause 32.07 – Residential Growth Zone 1

2.3 Specific provision - Reference to a planning scheme zone is a reference to an applied zone

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A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. the Commercial 2 Zone specifies ‘Shop’ as a Section 1 Use with the condition, ‘The site must adjoin, or have access to, a road in a Road Zone.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land’

2.4 Specific provision – Use of land

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The following provisions apply to the use of land.

Table 2: Use

Use	Requirement
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Use	Requirement
Shop where the precinct structure plan shows 'Large local town centre'	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 25,000 square metres.
Shop where the precinct structure plan shows 'mixed use employment/ commercial'	A permit is required to use land for a shop if the leasable floor area exceeds 150 square metres.
Shop where the precinct structure plan shows 'Local convenience centre'	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 1,500 square metres.
Primary school	A permit is not required to use land for a Primary School on land shown as Potential Non-Government Primary School.
Dwelling where the applied zone is Mixed Use Zone	A permit is required to use land for a dwelling.

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Specific provision – Urban Design Framework – Large Local Town Centre

A permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as large local town centre in the incorporated *Black Forest Road North Precinct Structure Plan* until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority, the Growth Areas Authority and Public Transport Victoria.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application to use or subdivide land or to construct a building or carry out works on land shown as a large local town centre must be consistent with any urban design framework approved under this schedule.

A permit may be granted to use or subdivide land, or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for the large local town centre set out in the incorporated *Black Forest Road North Precinct Structure Plan*.

The responsible authority may allow an urban design framework to be prepared in stages.

The urban design framework may be amended to the satisfaction of the responsible authority, the Growth Areas Authority and Public Transport Victoria.

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Specific provision – Buildings and works for a school

A permit is required to construct a building or construct or carry out works associated with a primary school or secondary school on land shown as a non-government school unless exempt under Clauses 62.02-1 and 62.02-2.

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Specific provision – Use and development of future public land

A permit is not required to use or develop land shown in the *Black Forest Road North Precinct Structure Plan* as community facility provided the use or development is carried out generally in accordance with the *Black Forest Road North Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

2.8 Specific provision – Dwellings on a lot less than 300 square metres

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A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Wyndham Planning Scheme.

2.9 Specific provision – Construction of the intersection of western connector and Black Forest Road at the southern boundary of property 10

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Unless arrangements for the construction of the intersection of the western north-south connector road and Black Forest Road shown in the incorporated *Black Forest Road North Precinct Structure Plan* have been made to the satisfaction of the responsible authority, a permit for subdivision of land shown as property 10 must provide for the construction of the intersection as a roundabout capable of accommodating a fourth intersection leg to the south, or include a requirement that the owner of the land under permit enter into an agreement under Section 173 of *the Act* to contribute towards the construction of the roundabout or other intersection treatment to the satisfaction of the relevant road management authority.

3.0 Application requirements

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If in the opinion of the responsible authority an application requirement listed at 3.1 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - residential development

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An application for subdivision must address the requirements of Clause 56 of the Wyndham Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, in the same format and methodology as within the *Black Forest Road North Precinct Structure Plan*, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields;
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories in Table 2 of the precinct structure plan applying to the land.

3.2 Public Infrastructure Plan

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An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works.
- The provision, staging and timing of stormwater drainage works.
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
- The landscaping of any land.
- What, if any, infrastructure set out in the Wyndham West Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of Wyndham City Council.

- The provision of public open space and land for any community facilities.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

3.3 Traffic Impact Assessment

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An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or responsible authority, as required.

3.4 Kangaroo management

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An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

- Strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.
- Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:
 - A copy of the approved Kangaroo Management Plan; and
 - A 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

4.0 Conditions and requirements for permits

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4.1 Conditions for subdivision permits that allows the creation of a lot less than 300 square metres

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Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Wyndham Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

4.2 Biodiversity and Threatened Species Conditions

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Any permit for subdivision must contain the following conditions:

Kangaroo Management Plan

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Land, Environment, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.

The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority

Salvage and translocation

The Salvage and Translocation Protocol for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2014) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment and Primary Industries

4.3 Public transport

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Any permit for subdivision must contain the following condition:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the Public Transport Guidelines for Land Use and Development and be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

4.4 Road network

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Any permit for subdivision or building and works must contain the following condition:

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless the transfer is funded by the Wyndham West Development Contributions Plan.

4.5 Construction Management Plan – Protection of gas transmission

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Prior to the commencement of any building or works, including demolition, on land shown as gas pipeline measurement length on Plan 8 – Utilities in the incorporated *Black Forest Road North Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or within 50 metres of the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

4.6 Bushfire management

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Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage.
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed.
- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire.
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The plan must be carried out to the satisfaction of the responsible authority.

5.0 Notice to gas transmission pipeline owner and operator

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Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application on land shown within the gas pipeline measurement length on Plan 8 – Utilities in the incorporated *Black Forest Road North Precinct Structure Plan*, where the application is to:

- Use land;
- Construct 10 or more dwellings on a lot.

6.0 Advertising signs

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The advertising sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

6.1 Land and home sales signs

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Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

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Decision guidelines

Before deciding on an application to use land for a shop in a town or convenience centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider:

- The demand for the additional shop floor space in the area; and
- The effect on existing and planned town centres within the total primary retail catchment estimated to result from the proposal and the existing floor space in the centre.

Before deciding on an application to construct a building or construct or carry out works in a large local town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider the *Large local town centre urban design framework concept* and the *Town centre design guidelines* in the precinct structure plan applying to the land.